

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-02673-EGS**

CONSERVATION LANDS FOUNDATION v. U.S.
DEPARTMENT OF THE INTERIOR et al
Assigned to: Judge Emmet G. Sullivan

Cases: 1:17-cv-02314-EGS
1:17-cv-02825-TSC
1:18-cv-00579-RBW

Cause: 05:552 Freedom of Information Act

Plaintiff

**CONSERVATION LANDS
FOUNDATION**

represented by **Hunter J. Kendrick**
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TERMINATED: 02/08/2019

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V.

Defendant

**U.S. DEPARTMENT OF THE
INTERIOR**

represented by **Denise M. Clark**
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 TERMINATED: 04/13/2018

Defendant

**U.S. BUREAU OF LAND
MANAGEMENT**

represented by **Denise M. Clark**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brian J. Field
 (See above for address)
 TERMINATED: 04/13/2018

Defendant

**UTAH STATE OFFICE, U.S.
BUREAU OF LAND MANAGEMENT**

represented by **Denise M. Clark**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brian J. Field
 (See above for address)
 TERMINATED: 04/13/2018

Defendant

**COUNCIL ON ENVIRONMENTAL
QUALITY**
 TERMINATED: 03/15/2019

represented by **Denise M. Clark**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brian J. Field
 (See above for address)
 TERMINATED: 04/13/2018

Defendant

**OFFICE OF MANAGEMENT AND
BUDGET**

represented by **Denise M. Clark**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brian J. Field
 (See above for address)
 TERMINATED: 04/13/2018

| Date Filed | # | Docket Text |
|------------|----------|---|
| 12/13/2017 | <u>1</u> | COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-5247300) filed by CONSERVATION LANDS FOUNDATION. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Civil Cover Sheet, # <u>5</u> Summons, # <u>6</u> Summons, # <u>7</u> Summons, # <u>8</u> Summons, # <u>9</u> Summons, # <u>10</u> Summons, # <u>11</u> Summons)(Banks, James) (Entered: 12/13/2017) |
| 12/13/2017 | <u>2</u> | Corporate Disclosure Statement by CONSERVATION LANDS FOUNDATION. (Banks, James) (Entered: 12/13/2017) |
| 12/13/2017 | | Case Assigned to Judge Emmet G. Sullivan. (jd) (Entered: 12/15/2017) |
| 12/15/2017 | <u>3</u> | SUMMONS (7) Issued Electronically as to COUNCIL ON ENVIRONMENTAL QUALITY, OFFICE OF MANAGEMENT AND BUDGET, U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, UTAH STATE OFFICE, U.S. BUREAU OF LAND MANAGEMENT, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(jd) (Entered: 12/15/2017) |

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| 12/18/2017 | <u>4</u> | STANDING ORDER: The parties are directed to read the attached Standing Order Governing Civil Cases Before Judge Emmet G. Sullivan in its entirety upon receipt. The parties are hereby ORDERED to comply with the directives in the attached Standing Order. Signed by Judge Emmet G. Sullivan on 12/18/17. (Attachment: # <u>1</u> Exhibit 1) (mac) (Entered: 12/18/2017) |
| 01/10/2018 | <u>5</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 12/26/2017. Answer due for ALL FEDERAL DEFENDANTS by 1/25/2018. (Banks, James) (Entered: 01/10/2018) |
| 01/10/2018 | <u>6</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 12/26/2017. (Banks, James) (Entered: 01/10/2018) |
| 01/10/2018 | <u>7</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. COUNCIL ON ENVIRONMENTAL QUALITY served on 1/3/2018 (Banks, James) (Entered: 01/10/2018) |
| 01/10/2018 | <u>8</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF THE INTERIOR served on 12/27/2017 (Banks, James) (Entered: 01/10/2018) |
| 01/19/2018 | <u>9</u> | NOTICE of Appearance by Brian J. Field on behalf of All Defendants (Field, Brian) (Entered: 01/19/2018) |
| 01/19/2018 | <u>10</u> | Unopposed MOTION for Extension of Time to <i>Respond to Plaintiff's Complaint</i> by COUNCIL ON ENVIRONMENTAL QUALITY, OFFICE OF MANAGEMENT AND BUDGET, U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, UTAH STATE OFFICE, U.S. BUREAU OF LAND MANAGEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Field, Brian) (Entered: 01/19/2018) |
| 01/22/2018 | <u>11</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UTAH STATE OFFICE, U.S. BUREAU OF LAND MANAGEMENT served on 12/26/2017 (Banks, James) (Entered: 01/22/2018) |
| 01/22/2018 | | MINUTE ORDER granting <u>10</u> defendants' consent motion for an extension of time. Defendants are directed to answer or otherwise respond to plaintiff's complaint by no later than February 26, 2018. Signed by Judge Emmet G. Sullivan on January 22, 2018. (lcegs2) (Entered: 01/22/2018) |
| 01/23/2018 | | Set/Reset Deadlines: Defendants Answer Or Otherwise Response To Plaintiff's Complaint due by 2/26/2018, (mac) (Entered: 01/23/2018) |
| 01/26/2018 | <u>12</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. OFFICE OF MANAGEMENT AND BUDGET served on 12/26/2017 (Banks, James) (Entered: 01/26/2018) |
| 01/26/2018 | <u>13</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. BUREAU OF LAND MANAGEMENT served on 12/22/2017 (Banks, James) (Entered: 01/26/2018) |
| 02/08/2018 | <u>14</u> | MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Dale Ratliff, :Firm– Hogan Lovells US LLP, :Address– 1601 Wewatta Street, Suite 900, Denver, CO 80202. Phone No. – (303) 454 2477. Fax No. – (303) 899 7333 Filing fee \$ 100, receipt number 0090–5325129. Fee Status: Fee Paid. by CONSERVATION LANDS FOUNDATION (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order, # <u>3</u> Certificate of Service)(Banks, James) (Entered: 02/08/2018) |
| 02/13/2018 | | MINUTE ORDER granting <u>14</u> motion for leave to appear pro hac vice. Dale Ratliff is hereby admitted pro hac vice in this action. Signed by Judge Emmet G. Sullivan on February 13, 2018. (lcegs2) (Entered: 02/13/2018) |
| 02/26/2018 | <u>15</u> | ANSWER to <u>1</u> Complaint by COUNCIL ON ENVIRONMENTAL QUALITY, OFFICE OF MANAGEMENT AND BUDGET, U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, UTAH STATE OFFICE, U.S. BUREAU OF LAND MANAGEMENT.(Field, Brian) Modified to add link on 2/27/2018 (znmw). (Entered: 02/26/2018) |

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| 03/07/2018 | | MINUTE ORDER. Plaintiff brings this action pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. The parties are directed to meet and confer and propose a joint scheduling order for further proceedings in this case by no later than April 13, 2018. The parties' joint proposed scheduling order shall address the following: (1) the status of plaintiff's FOIA request; (2) the anticipated number of documents responsive to plaintiff's FOIA request; (3) the anticipated date(s) for release of documents responsive to plaintiff's FOIA request; (4) whether a motion for an Open America stay is likely in this case; (5) whether a Vaughn index will be required in this case; (6) whether this case would benefit from referral to a magistrate judge or the District Court Mediation Program for purposes of settlement; and (7) a proposed briefing schedule for dispositive motions, if applicable. If the parties are unable to agree on a joint recommendation, the joint proposed scheduling order shall include each party's individual recommendations. Signed by Judge Emmet G. Sullivan on March 7, 2018. (lcegs2) (Entered: 03/07/2018) |
| 03/07/2018 | | Set/Reset Deadlines: Joint Scheduling Order due by 4/13/2018. (mac) (Entered: 03/07/2018) |
| 04/13/2018 | <u>16</u> | NOTICE OF SUBSTITUTION OF COUNSEL by Denise M. Clark on behalf of All Defendants Substituting for attorney Brian J. Field (Clark, Denise) (Entered: 04/13/2018) |
| 04/13/2018 | <u>17</u> | Joint STATUS REPORT by COUNCIL ON ENVIRONMENTAL QUALITY, OFFICE OF MANAGEMENT AND BUDGET, U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, UTAH STATE OFFICE, U.S. BUREAU OF LAND MANAGEMENT. (Attachments: # <u>1</u> Text of Proposed Order Defendants' Proposed Order, # <u>2</u> Text of Proposed Order Plaintiff's Proposed Order)(Clark, Denise) (Entered: 04/13/2018) |
| 04/16/2018 | | NOTICE OF ERROR re <u>17</u> Status Report; emailed to denise.clark@usdoj.gov, cc'd 4 associated attorneys --- The PDF file you docketed contained errors: 1. Invalid attorney signature, 2. In Future, ECF login must match attorney signature on document (jf,) (Entered: 04/16/2018) |
| 04/18/2018 | <u>18</u> | Unopposed MOTION for Leave to File a <i>Supplemental Complaint</i> by CONSERVATION LANDS FOUNDATION (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Supplemental Complaint for Declaratory and Injunctive Relief with Exhibits A–D)(Ratliff, Dale) (Entered: 04/18/2018) |
| 04/23/2018 | | MINUTE ORDER granting <u>18</u> plaintiff's unopposed motion for leave to file a supplemental complaint. [18–2] is hereby accepted as filed. In view of <u>17</u> joint status report, the parties are directed to adhere to the following production schedule with respect to the plaintiff's FOIA request: (1) CEQ shall prepare and produce a Vaughn index to facilitate settlement negotiations by no later than May 15, 2018; (2) OMB is directed to review 350 potentially responsive records and release all responsive records to plaintiff on a monthly basis, starting on May 15, 2018; (3) DOI and BLM shall review 1,500 pages of potentially responsive records per month and release the responsive documents; (4) DOI, BLM, and OMB are directed to provide plaintiff a Vaughn index for any withheld records, responsive to plaintiff's FOIA requests, as part of its monthly production. DOI and BLM may make these releases available on the Interior website, but BLM and DOI MUST identify within each release the documents that are responsive to plaintiff's particular FOIA requests. It is FURTHER ORDERED that parties shall file a joint status report on June 12, 2018 and every sixty days thereafter to apprise the Court on defendants' progress. Signed by Judge Emmet G. Sullivan on 4/23/2018. (lcegs3) (Entered: 04/23/2018) |
| 04/23/2018 | | Set/Reset Deadlines: Joint Status Report due by 6/12/2018. (mac) (Entered: 04/23/2018) |
| 04/23/2018 | <u>19</u> | SUPPLEMENTAL COMPLAINT against COUNCIL ON ENVIRONMENTAL QUALITY, OFFICE OF MANAGEMENT AND BUDGET, U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, UTAH STATE OFFICE, U.S. BUREAU OF LAND MANAGEMENT filed by CONSERVATION LANDS FOUNDATION.(jf) (Entered: 04/24/2018) |
| 05/02/2018 | <u>20</u> | Unopposed MOTION for Extension of Time to <i>Answer Supplemental Complaint</i> by COUNCIL ON ENVIRONMENTAL QUALITY, OFFICE OF MANAGEMENT |

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| | | AND BUDGET, U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, UTAH STATE OFFICE, U.S. BUREAU OF LAND MANAGEMENT (Clark, Denise) (Entered: 05/02/2018) |
| 05/03/2018 | | MINUTE ORDER granting <u>20</u> defendants' unopposed motion for extension of time to answer supplemental complaint. Defendants shall therefore respond to plaintiff's supplemental complaint by no later than May 15, 2018. Signed by Judge Emmet G. Sullivan on 5/3/2018. (lcegs3) (Entered: 05/03/2018) |
| 05/04/2018 | | Set/Reset Deadlines: Defendants Response To Plaintiff's Supplemental Complaint due by 5/15/2018. (mac) (Entered: 05/04/2018) |
| 05/15/2018 | <u>21</u> | <i>Supplemental</i> ANSWER to <u>19</u> Amended Complaint, by COUNCIL ON ENVIRONMENTAL QUALITY, OFFICE OF MANAGEMENT AND BUDGET, U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, UTAH STATE OFFICE, U.S. BUREAU OF LAND MANAGEMENT.(Clark, Denise) (Entered: 05/15/2018) |
| 05/15/2018 | <u>22</u> | NOTICE of Four Related Cases by COUNCIL ON ENVIRONMENTAL QUALITY, OFFICE OF MANAGEMENT AND BUDGET, U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, UTAH STATE OFFICE, U.S. BUREAU OF LAND MANAGEMENT (Attachments: # <u>1</u> Exhibit)(Clark, Denise) (Entered: 05/15/2018) |
| 05/15/2018 | <u>23</u> | MOTION for Reconsideration re Order on Motion for Leave to File,,,,, by COUNCIL ON ENVIRONMENTAL QUALITY, OFFICE OF MANAGEMENT AND BUDGET, U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, UTAH STATE OFFICE, U.S. BUREAU OF LAND MANAGEMENT (Attachments: # <u>1</u> Declaration)(Clark, Denise) (Entered: 05/15/2018) |
| 05/29/2018 | <u>24</u> | Memorandum in opposition to re <u>23</u> MOTION for Reconsideration re Order on Motion for Leave to File,,,,, filed by CONSERVATION LANDS FOUNDATION. (Attachments: # <u>1</u> Certificate of Service)(Ratliff, Dale) (Entered: 05/29/2018) |
| 06/12/2018 | <u>25</u> | Joint STATUS REPORT by COUNCIL ON ENVIRONMENTAL QUALITY, OFFICE OF MANAGEMENT AND BUDGET, U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, UTAH STATE OFFICE, U.S. BUREAU OF LAND MANAGEMENT. (Clark, Denise) (Entered: 06/12/2018) |
| 07/13/2018 | | MINUTE ORDER in light of the Court's July 2, 2018 Minute Order denying the government's similar motion for reconsideration in civil case number 17-2314, the Court hereby DENIES <u>23</u> motion for reconsideration. The Court herein clarifies that DOI did not comply with its Order by posting large volumes of documents under broad categories on its website. In the interest of clarity, the Court reiterates the following Order, which the government must follow: (1) DOI and BLM are ORDERED to review 1,500 pages of potentially responsive documents per month and release the responsive documents by the 15th of each month (however, defendants may issue the July 2018 release on August 1, 2018); (2) DOI, BLM, and OMB are directed to provide plaintiff with a Vaughn index for any withheld records as part of its monthly production; and (3) DOI and BLM must identify within each release the documents that are responsive to plaintiff's particular FOIA requests by creating categories on the DOI website that are each labeled with the assigned tracking number(s) of plaintiff's FOIA requests. DOI and BLM must bring the May 8, 2018 and June 15, 2018 releases into compliance with the Court's Order by no later than August 1, 2018. The parties are FURTHER ORDERED to file a joint status report by no later than August 22, 2018 presenting the Court with recommendations for further proceedings. Signed by Judge Emmet G. Sullivan on 7/13/2018. (lcegs3) (Entered: 07/13/2018) |
| 07/13/2018 | | Set/Reset Deadlines: Joint Status Report due by 8/22/2018. (mac) (Entered: 07/13/2018) |
| 08/22/2018 | <u>26</u> | Joint STATUS REPORT by COUNCIL ON ENVIRONMENTAL QUALITY, OFFICE OF MANAGEMENT AND BUDGET, U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, UTAH STATE |

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| | | OFFICE, U.S. BUREAU OF LAND MANAGEMENT. (Clark, Denise) (Entered: 08/22/2018) |
| 08/23/2018 | | MINUTE ORDER in view of <u>26</u> joint status report, the parties are directed to file another joint status report by October 22, 2018 to update the Court on the status of the defendants' productions. Signed by Judge Emmet G. Sullivan on 8/23/2018. (lcegs3) (Entered: 08/23/2018) |
| 08/24/2018 | | Set/Reset Deadlines: Joint Status Report due by 10/22/2018. (mac) (Entered: 08/24/2018) |
| 10/22/2018 | <u>27</u> | Joint STATUS REPORT by COUNCIL ON ENVIRONMENTAL QUALITY, OFFICE OF MANAGEMENT AND BUDGET, U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, UTAH STATE OFFICE, U.S. BUREAU OF LAND MANAGEMENT. (Clark, Denise) (Entered: 10/22/2018) |
| 10/23/2018 | | MINUTE ORDER. In light of <u>27</u> the parties' joint status report, the parties are directed to file a further joint status report by no later than January 25, 2019. Signed by Judge Emmet G. Sullivan on 10/23/2018. (lcegs2) (Entered: 10/23/2018) |
| 10/23/2018 | | Set/Reset Deadlines: Joint Status Report due by 1/25/2019. (mac) (Entered: 10/23/2018) |
| 01/18/2019 | <u>28</u> | Unopposed MOTION to Stay by COUNCIL ON ENVIRONMENTAL QUALITY, OFFICE OF MANAGEMENT AND BUDGET, U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, UTAH STATE OFFICE, U.S. BUREAU OF LAND MANAGEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Pfaffenroth, Peter) (Entered: 01/18/2019) |
| 01/25/2019 | | MINUTE ORDER denying motion to stay and granting extension to file joint status report. The parties are directed to file a joint status report with a recommendation for further proceedings by no later than February 18, 2019. Signed by Judge Emmet G. Sullivan on 1/25/2019. (lcegs2) (Entered: 01/25/2019) |
| 01/28/2019 | | Set/Reset Deadlines: Joint Status Report due by 2/18/2019. (mac) (Entered: 01/28/2019) |
| 02/07/2019 | <u>29</u> | NOTICE of Appearance by Hunter J. Kendrick on behalf of CONSERVATION LANDS FOUNDATION (Attachments: # <u>1</u> Certificate of Service)(Kendrick, Hunter) (Entered: 02/07/2019) |
| 02/07/2019 | <u>30</u> | MOTION to Withdraw as Attorney <i>by Dale Ratliff</i> by CONSERVATION LANDS FOUNDATION (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(Ratliff, Dale) (Entered: 02/07/2019) |
| 02/08/2019 | | MINUTE ORDER granting <u>30</u> motion to withdraw as attorney. Attorney Dale Ratliff is hereby withdrawn as counsel of record for the plaintiff. Signed by Judge Emmet G. Sullivan on 2/8/2019. (lcegs2) (Entered: 02/08/2019) |
| 02/15/2019 | <u>31</u> | Joint STATUS REPORT by COUNCIL ON ENVIRONMENTAL QUALITY, OFFICE OF MANAGEMENT AND BUDGET, U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, UTAH STATE OFFICE, U.S. BUREAU OF LAND MANAGEMENT. (Clark, Denise) (Entered: 02/15/2019) |
| 03/04/2019 | | MINUTE ORDER. In light of <u>31</u> the parties' joint status report, the parties are directed to file further joint status report by no later than March 15, 2019. Signed by Judge Emmet G. Sullivan on 3/4/2019. (lcegs2) (Entered: 03/04/2019) |
| 03/05/2019 | | Set/Reset Deadlines: Joint Status Report due by 3/15/2019. (mac) (Entered: 03/05/2019) |
| 03/15/2019 | <u>32</u> | NOTICE of Voluntary Dismissal re Council on Environmental Quality (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(Kendrick, Hunter) (Entered: 03/15/2019) |
| 03/25/2019 | <u>33</u> | ORDER That Defendant CEQ Is Dismissed From This Suit Without Prejudice. Signed by Judge Emmet G. Sullivan on 03/22/19. (mac) (Entered: 03/25/2019) |

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| 04/02/2019 | | MINUTE ORDER. The parties are directed to file a joint status report with a recommendation for further proceedings by no later than April 26, 2019. Signed by Judge Emmet G. Sullivan on 4/2/2019. (lcegs2) (Entered: 04/02/2019) |
| 04/03/2019 | | Set/Reset Deadlines: Joint Status Report due by 4/26/2019. (mac) (Entered: 04/03/2019) |
| 04/26/2019 | <u>34</u> | Joint STATUS REPORT by OFFICE OF MANAGEMENT AND BUDGET, U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, UTAH STATE OFFICE, U.S. BUREAU OF LAND MANAGEMENT. (Clark, Denise) (Entered: 04/26/2019) |
| 04/30/2019 | | MINUTE ORDER. In light of <u>34</u> the parties' joint status report, the parties are directed to file a further joint status report by no later than June 12, 2019. Signed by Judge Emmet G. Sullivan on 4/30/2019. (lcegs2) (Entered: 04/30/2019) |
| 05/01/2019 | | Set/Reset Deadlines: Joint Status Report due by 6/12/2019. (mac) (Entered: 05/01/2019) |
| 06/12/2019 | <u>35</u> | Joint STATUS REPORT by OFFICE OF MANAGEMENT AND BUDGET, U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, UTAH STATE OFFICE, U.S. BUREAU OF LAND MANAGEMENT. (Clark, Denise) (Entered: 06/12/2019) |
| 06/14/2019 | | MINUTE ORDER. In light of <u>35</u> the parties' joint status report, the parties are directed to file a further joint status report by no later than August 2, 2019. Signed by Judge Emmet G. Sullivan on 6/14/2019. (lcegs2) (Entered: 06/14/2019) |
| 06/14/2019 | | Set/Reset Deadlines: Further Joint Status Report due by 8/2/2019. (mac) (Entered: 06/14/2019) |